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PATENT

Attorney Docket No. 4609
M&W No. APM/039-00

#13
6/3/02
J. Proctor
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
HIROJI HANAWA, et al.

Application No.: 09/638,075

Filed: August 11, 2000

For: EXTERNALLY EXCITED TORROIDAL
PLASMA SOURCE

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)
) Examiner: R. McDonald

)
)
) Group Art Unit: 1753

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

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The owner, Applied Materials, Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/584,167. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the interest application and is binding upon the grantee its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner

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Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

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2. ☒ The undersigned is an attorney of record.

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

☒ Please charge the \$110.00 terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 50-0338. The Commissioner is hereby authorized to charge any additional fees or deficiencies or credit overpayment to Deposit Account No. 50-0338.

☒ PTO suggested wording for terminal disclaimer was
☐ unchanged ☒ changed (A change was made to include payment by the Applicants' Deposit Account).

May 7, 2002
Date

Robert M. Wallace
Signature

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